REMARKS

The Examiner's Final Office Action has been carefully considered. A number of claims have been canceled so as to reduce the outstanding issues. As discussed below, none of the pending claims are anticipated by Tice U.S. Patent 6,229,439.

In order for a document to anticipate a pending claim:

"The identical invention must be shown in as complete detail as is contained in the…claim…the elements must be arranged as required by the claim" (MPEP 8th Ed., Rev 2 May 2004 pg 2100-73)

The disclosure of Tice does not meet the above noted standard for anticipation.

The Examiner has completed failed to identify where Tice discloses at least the following limitation of independent claim 44 and its associated dependent claims:

"further instructions for evaluating a variability characteristic of the received signal and simultaneously altering both the sample rate and number of samples and including a time for determining when the sample rate is to be altered again." (pending claim 24 and dependent claims)

In rejecting claim 24 and the associated dependent claims the Examiner has completed failed to address at least the above recited limitation therefrom.

In rejecting claim 47, rewritten herein in independent form, and its dependent claims the Examiner has completely failed to identify where in Tice at least the following limitation is disclosed:

"Instructions for comparing the average sensor output value to a representation of the average noise parameter, and responsive thereto, including further instructions for altering a sample rate parameter and for altering a number of sample signals used in averaging the sensors output." (Independent claim 47 and related dependent claims)

In support of those rejections the Examiner cited Col. 5, lines 43-49 and Col. 6, lines 57-63 of Tice. Those two sets of text are set out below:

"The characteristics of the filtered signal on the line 38 can in turn be compared to one or more of the thresholds 46a and/or one or more of the slopes 46b by processor element or step 46. Alternately, more complex pattern recognition methods can be used." (Col. 5, lns. 43-49)

"In a step 116, the processed output, line 38, is then either compared to one or more thresholds 46a or a plurality of processed outputs received from line 38 are compared to predetermined slopes 46b, alarm processing element 46, to determine if an alarm condition is present. If so, an alarm is then generated." (Col. 6, lns. 58-63).

None of the text from Tice addresses the structure, quoted above, of claim 47 and associated dependent claims.

Independent claim 51 and its associated dependent claims include at least the following limitation not disclosed in Tice:

"Instructions which simultaneously alter both selected sample rates and a number of samples not including a timer for determining when the sample rate is to be altered again." (independent claim 51 and associated dependent claims)

Claim 51 the Examiner referred to the same text, quoted above in Col. 5, lns 43-49 and Col. 6, lns. 57-63 of Tice. That text simply does not address the above noted limitation from claim 51 and its associated dependent claims. Finally, the rejection of pending claims 59-64 as anticipated by Tice is also defective. At least the following limitation from those claims is not disclosed or taught by Tice:

"first software that samples a received signal at a first rate, forming an average signal based on a first number of samples, and second software that evaluates the variability of the received signal and simultaneously alters both the sample rate and the number of samples in response thereto." (Claim 59 and associated dependent claims)

In the rejection of claims 59-65 the Examiner referred to Col. 9, lns. 10-34 of Tice for support thereof. That text is set forth below and clearly does not teach or disclose the above noted limitation from claims 59-65.

"It will also be understood in such an instance that control circuits, such as 26c, located at the respective detector could be implemented using a programmed processor. Preloaded instructions associated with that processor could be used to carry out the pre-processing, elements 28-1, 28-3 as well as filtering functions such as filters 44-1 and 44-2.

Fig. 9 illustrates another embodiment in accordance herewith. An apparatus 60 incorporates a plurality of sensors $S1, S2...S_n$. Outputs form the sensors could, for example, be preprocessed as in blocks 28-1, 28-2. These signals, such as $S1', S2'$ could, if desired, be coupled via respective interface circuits 40 as sensor inputs to processing circuit 62. In addition, the signals $S1'-1...Sm'-1$ from the respective sensors can be coupled to process altering inputs of the circuitry 62.

By way of example and not limitation, if the system 60 includes three sensors $S1, S2, S3$, any one of the outputs from a respective sensor, $S1'...S3'$ can be processed in circuitry 62. In response to the signals form others of the sensors $S1'-1$, $S2'-1$, and $S3'-1$, the form and text of processing in circuitry 62 can be altered with respect to each of the input signals. Processed outputs P1, P2, P3 can be transmitted to the alarm processor 46 for subsequent determination as to the presence of one or more alarm related conditions."

For at least the above reasons none of the pending claims are anticipated by Tice. Allowance of the application is respectfully requested.
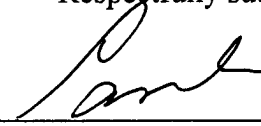
Appl. No. 10/619,827
Amendment C
Reply to Final Office Action mailed Nov. 25, 2005

Applicant's attorney will shortly call the Examiner for purposes of scheduling a telephone interview to discuss the outstanding rejection, the prior art and the present response.

Respectfully submitted,

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